

## REMARKS

### I. Corrections

The Examiner is respectfully requested to correct the priority date of Japanese Patent Application JP10/271626 in the application bibliographic record to read 9/25/1998 and to issue a corrected Filing Receipt.

### II. Amendments

#### *In the Specification:*

A mistake in translation from Japanese to English has been corrected in the text of the Specification on page 48, wherein the omitted phrase "HIV infection" is inserted prior to the reference to AIDS. This can be clearly identified in the corresponding original PCT application PCT/JP99/05216 (published as WO 00/18793) on page 47, line 4.

A mistake in translation from Japanese to English has been corrected in the text of the Specification on page 66, wherein the omitted phrase "HIV infection" is inserted prior to the reference to AIDS. This can be clearly identified in the corresponding original PCT application PCT/JP99/05216 (published as WO 00/18793) on page 64, line 22.

A mistake in translation from Japanese to English has been corrected in the text of the Specification on page 92, wherein the omitted phrase "HIV infection" is inserted prior to the reference to AIDS. This can be clearly identified in the corresponding original PCT application PCT/JP99/05216 (published as WO 00/18793) on page 89, line 6.

For the Examiner's convenience, a marked up copy of WO 00/18793 is enclosed.

#### *In the Claims*

Claim 1 has been amended to more clearly claim particular aspects of the present invention, without prejudice to filing future continuing applications. To further expedite prosecution Claims 2 –25 and 27 have been canceled without prejudice to filing future continuing applications.

Support for this amendment is found in the claims and specification as filed.

### III. Objection to Claims

Applicants have canceled claims 2 – 25 and 27 without prejudice to filing future continuing applications.

This objection has been overcome by the amendment.

### IV. Rejection of Claims §101 – utility

Claim 1 has been amended to more particularly claim the peptides of the present invention. The Examiner's emphasis on the previously "orphan receptor" status of the APJ receptor target is misplaced.

Rather than failing to demonstrate a credible utility, the applicants have actually discovered the utility of the previously "orphan receptor" and discovered ligands which bind to and modify the function of said receptor.

Applicants are fully entitled to present subsequently published experimental results in support of the utility asserted for the claimed invention, as made in the application.

The applicants clearly state that the invention is useful for treating AIDS and HIV infection. The Examiner acknowledges this statement. The context in which such a statement is made is not dispositive on the fact that an asserted utility has been stated.

Subsequently published work clearly demonstrates, and the Examiner acknowledges, that the peptides of the present invention are useful for treating HIV infection and AIDS (J. Virol Dec 2000; 74(24) pages 11972-6). It is not reasonable to assert that the inventors did not have a credible utility in mind (so as to prejudice the actual conception of the INVENTION), when their subsequent work demonstrated the asserted utility.

The fact that a credible utility sufficient to support an invention under §101 was made in the present case, cannot be more clearly validated than by the demonstrated experimental work of the subsequent publication.

This rejection must be withdrawn.

V. Rejection of Claims 26-28 under §112 first paragraph - written description

Claim 27 has been canceled without prejudice. Claims 26 and 28 are ultimately dependent upon Claim 1, which had been previously amended to limit the scope of the claim to peptides having a particular amino acid sequence, and is now more clearly stated.

In view of the amendment to Claim 1, the Examiner's rejection should be withdrawn.

VI. Rejection of Claims 1 - 28 under §112 second paragraph

Claims 2-25 and 27 have been canceled without prejudice. Claims 26 and 28 are ultimately dependent upon Claim 1, which had been previously amended to limit the scope of the claim to peptides having a particular amino acid sequence, and is now more clearly stated.

As clarification, the recitation to SEQ ID No. 26 in Claim 28 is in reference to the peptide sequence of the target receptor to which the ligand binds.

In view of the amendment to Claim 1, the Examiner's rejection should be withdrawn.

VII. Conclusion

Applicants request that a corrected Filing Receipt be issued upon allowance of the claims, showing the correct date for the priority document.

Reconsideration of the claims as amended in view of the traverse made above is solicited. Early allowance of the claims is requested. Should the Examiner believe that a conference with applicants' attorney would advance prosecution of this application, the Examiner is respectfully invited to call applicants' attorney.

Respectfully submitted,

Dated:

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